

ORIGINAL



0000117911

BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

RECEIVED

Arizona Corporation Commission

DOCKETED

NOV - 2 2010

KRISTIN K. MAYES - Chairman

2010 NOV -2 A 9:47

GARY PIERCE

PAUL NEWMAN

SANDRA D. KENNEDY

BOB STUMP

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
SOLARCITY CORPORATION FOR SPECIAL  
CONTRACT APPROVAL FOR SOLAR  
SERVICES AGREEMENTS.

DOCKET NO. E-20690A-10-0214

PROCEDURAL ORDER

BY THE COMMISSION:

On May 26, 2010, SolarCity Corporation ("SolarCity") filed with the Arizona Corporation Commission ("Commission") an application for Special Contract Approval for a Solar Services Agreement ("SSA").

On July 12, 2010, the Commission issued Decision No. 71795 which addressed a previous application by SolarCity seeking an adjudication that it was not acting as a public service corporation when it provides solar services to Arizona schools, governments, and non-profit entities by means of an SSA. In Decision No. 71795, the Commission found that when SolarCity provides services to schools, governments, or other non-profit entities pursuant to an SSA, it is not acting as a public service corporation.

On August 20, 2010, the Commission's Utilities Division ("Staff") filed a memorandum in this docket stating that the SolarCity SSA that was the subject of Decision No. 71795 and the SolarCity SSA that is the subject of this docket are "nearly identical." In light of the Commission's findings in Decision No. 71795, Staff recommends that the Commission issue an order closing this docket.

On August 30, 2010, a Procedural Order was issued directing SolarCity file in this docket a statement averring whether it agrees with Staff's assessment that the contract at issue in this docket is substantially similar to the SSA at issue in Decision No. 71795, and with Staff's recommendation to close the docket.

1 On October 15, 2010, SolarCity filed a response to the August 30, 2010, Procedural Order  
2 stating that SolarCity agrees with Staff's opinion that Commission Decision No. 71795 controls the  
3 disposition of the instant docket and that this docket should be closed.

4 Good cause has been shown for administrative closure of this docket.

5 IT IS THEREFORE ORDERED that **Docket No. E-20690A-10-0214** is hereby  
6 **administratively closed.**

7 Dated this 15<sup>th</sup> day of November, 2010.

8  
9  
10  
11   
12 JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed  
14 this 15<sup>th</sup> day of November 2010 to:

15 Court Rich  
16 M. Ryan Hurley  
17 Rose Law Group PC  
6613 N. Scottsdale Road, Suite 200  
Scottsdale, AZ 85250  
Attorneys for SolarCity

18 Janice Alward, Chief Counsel  
19 LEGAL DIVISION  
20 Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

21 Steve Olea, Director  
22 Utilities Division  
23 Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

24  
25 By:   
26 Jane Rodda  
27  
28